



Attorneys at Law

August 4, 2003

FAX

FAX RECEIVED

AUG 05 2003

GROUP 1600

OFFICIAL

Suite 2800 1100 Peachtree St.  
Atlanta GA 30309-4530  
t 404 815 6500 f 404 815 6555  
www.KilpatrickStockton.com

direct dial 404 745 2470  
direct fax 404 541 3297  
JMcDonald@KilpatrickStockton.com

| RECIPIENT/<br>PHONE NO.            | FAX NO.      | COMPANY/<br>CITY, STATE, COUNTRY  |
|------------------------------------|--------------|-----------------------------------|
| Examiner Jane Zara<br>703-306-5820 | 703.308.4242 | USPTO - GAU 1635<br>Arlington, VA |

John K. McDonald, Ph.D.

FROM

2720

REFERENCE NO

12

PAGES (WITH COVER)

42368/250224

CLIENT/MATTER NO.

PLEASE CALL 404 815 6497 IF YOU HAVE DIFFICULTY WITH THIS TRANSMISSION.

## CONFIDENTIALITY NOTE:

The information contained in this fax message is being transmitted to and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copy of this fax is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and destroy this fax message.

## COMMENTS

The facsimile confirmation of the Patent Office imprinted hereon will acknowledge receipt of:

Applicant: Phillips et al.  
Title: Therapeutically Useful Synthetic Oligonucleotides  
Serial No./Docket No.: 09/735,363 02811-0181 (42368-250224)  
Filing Date: December 12, 2000

## PAPERS SUBMITTED:

1. Transmittal Sheet (1)
2. Amendment and Response to Office Action (10)

Date: August 4, 2003

By: John K. McDonald, Ph.D.

Reg. No. 42,880

Please note that the first page of the Response has been corrected to reflect the correct facsimile number in the certification.

TO BE COMPLETED BY KS OPERATIONS CENTER

TRANSMISSION RECEIPT DATE/TIME:

COMPLETED BY:

JOB CODE 34824

ATLANTA AUGUSTA CHARLOTTE LONDON RALEIGH STOCKHOLM WASHINGTON WINSTON-SALEM

Received from &lt; &gt; at 8/4/03 2:30:06 PM [Eastern Daylight Time]

08/04/03 14:22 FAX

RECEIVED

KS ATLANTA

002/012

AUG 05 2003

TECH CENTER 1600/2900

PTO/SB/21 (05-03)

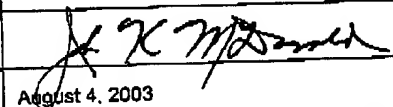
Approved for use through 04/30/2003. OMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                      |                        |                           |
|---|----------------------|------------------------|---------------------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number   | 09/735,363             |                           |
|   | Filing Date          | December 12, 2000      |                           |
|   | First Named Inventor | Nigel Phillips         |                           |
|   | Art Unit             | 1635                   |                           |
|   | Examiner Name        | Jane Zara              |                           |
| Total Number of Pages in This Submission  | 11                   | Attorney Docket Number | 02811-0181 (42368-250224) |

| ENCLOSURES (check all that apply)  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input checked="" type="checkbox"/> Amendment / Response                     | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input checked="" type="checkbox"/> After Final                              | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below):                       |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  |  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Request for Refund   |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                                      |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   | Remarks   | This response is being sent via facsimile to the Examiner.                                 |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | John K. McDonald, Ph.D.   |
| Signature                                  |  |
| Date                                       | August 4, 2003  |

| CERTIFICATE OF MAILING  |   |      |                |
|---|---|------|----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |      |                |
| Typed or printed name   | John K. McDonald, Ph.D.   | Date | August 4, 2003 |
| Signature   |  |      |                |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED**

AUG 05 2003

TECH CENTER 1600/2900

PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Phillips *et al.*

Serial No. 09/735,363

Filed: December 12, 2000

For: THERAPEUTICALLY USEFUL  
SYNTHETIC OLIGONUCLEOTIDES

Art Unit: 1635

Examiner: Jane Zara

**AMENDMENT AND RESPONSE TO OFFICE ACTION**Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

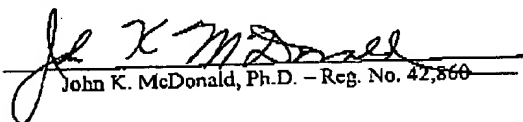
In response to the final Office Action mailed June 3, 2003, a two-month period of response to which extends to Monday, August 4, 2003, Applicants respectfully request amendment of the application as follows and reconsideration of the rejected claims based upon the following remarks.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any additional filing fee and credit any refund to Deposit Account No. 11-0855.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin page 6 of this paper.

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number 703.872-9306 on August 4, 2003.

  
John K. McDonald, Ph.D. - Reg. No. 42,860

ATLLIB02 136243.1